

## Message Text

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ORIGIN EB-07

INFO OCT-01 ARA-06 ISO-00 TRSE-00 COME-00 LAB-04 AGR-05

CIAE-00 INR-07 NSAE-00 SP-02 STR-04 CIEP-01 FRB-03

OMB-01 IO-13 L-03 /057 R

DRAFTED BY EB/FTD:AJWILLIAMS:HM

APPROVED BY EB/FTD:AJWILLIAMS

ARA/BR -TSHUGART

TREASURY - WBARREDA

COMMERCE - ELIPSCOMB

LABOR - ESWEENEY

L/EB - CROH

L/T - AROVINE

----- 100039

P 152153Z APR 76

FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA PRIORITY

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E.O. 11652: N/A

TAGS: ETRD, BR

SUBJECT: EXCHANGE OF NOTES FOR BILATERAL - TEXT OF  
AGREEMENT.

REFS: A. STATE 71954 B. TELECONS SHUGART-RUSER

1. GIVEN BELOW IS THE TEXT OF THE BILATERAL DRAWN  
FROM THE MEMORANDUM OF UNDERSTANDING INITIALED MARCH  
19. UPON RECEIPT EMBASSY NOTIFICATION THAT TEXT HAS BEEN  
APPROVED BY GOB, WE WILL PROVIDE AUTHORIZATION FOR  
AMBASSADOR TO EXCHANGE NOTES.

2. DURING REFERENCED TELCONS, SUGGESTION WAS MADE THAT  
NOTES BE EXCHANGED DURING VISIT OF SECRETARY OF TREASURY  
SIMON TO BRASILIA AROUND MAY 10. WE AGREE WITH  
EMBASSY, IN VIEW OF GOB INTEREST IN EXCHANGING NOTES  
AS SOON AS POSSIBLE, THAT THE NOTES CAN BE EXCHANGED  
BEFORE PRESIDENT GEISEL'S DEPARTURE IF IT IS POSSIBLE

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TO OBTAIN AGREEMENT ON THE TEXT. IF NOT, NOTES SHOULD  
BE EXCHANGED DURING SIMON VISIT AS PREVIOUSLY DISCUSSED.

3. TEXT OF NOTE: "EXCELLENCY: I HAVE THE HONOR TO  
REFER TO THE ARRANGEMENT REGARDING INTERNATIONAL TRADE IN

TEXTILES DONE AT GENEVA ON DECEMBER 20, 1973, HEREINAFTER  
REFERRED TO AS

THE ARRANGEMENT. I ALSO REFER TO RECENT DISCUSSIONS  
BETWEEN REPRESENTATIVES OF OUR TWO GOVERNMENTS  
CONCERNING EXPORTS OF TEXTILES AND TEXTILE PRODUCTS  
FROM BRAZIL TO THE UNITED STATES OF AMERICA. AS  
A RESULT OF THESE DISCUSSIONS AND IN CONFORMITY WITH  
ARTICLE 2, 4 AND 6 OF THE ARRANGEMENT, I WISH TO  
PROPOSE THE FOLLOWING AGREEMENT RELATING TO TRADE IN  
TEXTILES AND TEXTILE PRODUCTS BETWEEN BRAZIL AND THE  
UNITED STATES OF AMERICA, TO REPLACE AND SUPERSEDE,  
EFFECTIVE APRIL 1, 1976, THE COTTON TEXTILE AGREEMENT  
OF OCTOBER 23, 1970, AS AMENDED.

- 1. THE TERM OF THIS AGREEMENT SHALL BE FROM APRIL  
1, 1976 THROUGH MARCH 31, 1979. DURING SUCH TERM, THE  
GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL WILL  
LIMIT ANNUAL EXPORTS OF COTTON TEXTILES AND TEXTILE  
PRODUCTS FROM BRAZIL TO THE UNITED STATES OF AMERICA  
TO AGGREGATE AND SPECIFIC LIMITS AT THE LEVELS  
SPECIFIED IN THE FOLLOWING PARAGRAPHS.
- 2. DURING THE FIRST YEAR OF THE AGREEMENT,  
CONSTITUTING THE TWELVE MONTH PERIOD FROM APRIL 1, 1976  
THROUGH MARCH 31, 1977, THE GOVERNMENT OF THE FEDERATIVE  
REPUBLIC OF BRAZIL SHALL LIMIT ANNUAL EXPORTS OF COTTON  
TEXTILES FROM BRAZIL TO THE UNITED STATES OF AMERICA  
TO AN AGGREGATE LIMIT OF 114,000,000 SQUARE YARDS  
EQUIVALENT.
- 3. WITHIN THE AGGREGATE LIMITS, GROUP LIMITS  
FOR THE FIRST AGREEMENT YEAR SHALL BE:
  - GROUP I, YARN (CATEGORIES 1-4) 40 MILLION SQUARE  
YARDS EQUIVALENT
  - GROUP II, FABRICS (CATEGORIES 5-27) 49 MILLION  
SQUARE YARDS EQUIVALENT
  - GROUP III, APPAREL, MADE-UPS AND MISCELLANEOUS  
(CATEGORIES 28-64) 25 MILLION SQUARE YARDS  
EQUIVALENT.
- 4. WITHIN THE AGGREGATE LIMIT AND APPLICABLE  
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GROUP LIMITS, THE FOLLOWING SPECIFIC LIMITS SHALL APPLY  
FOR THE FIRST AGREEMENT YEAR:

- | ---                                   | IN SQUARE YARDS  |            |
|---------------------------------------|------------------|------------|
| --                                    | IN UNITS         | EQUIVALENT |
| A. GROUP I                            |                  |            |
| -- CATEGORIES 1-4                     | 8,695,652 POUNDS | 40,000,000 |
| B. GROUP II                           |                  |            |
| -- CATEGORY 9                         |                  | 15,300,000 |
| -- CATEGORIES 18/19                   |                  | 12,900,000 |
| -- CATEGORIES 22/23                   |                  | 5,700,000  |
| -- CATEGORY 26 (DUCK)                 |                  | 3,200,000  |
| -- CATEGORIES 26/27 (OTHER THAN DUCK) |                  | 8,300,000  |

C. GROUP III

-- CATEGORIES 30/31 8,620,690 PIECES 3,000,000  
-- CATEGORY 43 141,968 DOZEN 1,027,000  
-- CATEGORY 44 40,761 DOZEN 1,500,000  
-- CATEGORY 45 81,000 DOZEN 1,797,066  
-- CATEGORY 46 90,000 DOZEN 2,201,130  
-- CATEGORY 50 115,000 DOZEN 2,046,655  
-- CATEGORY 51 84,284 DOZEN 1,500,000  
-- CATEGORY 55 30,000 DOZEN 1,530,000  
-- CATEGORY 56 100,000 DOZEN 920,000  
-- CATEGORY 62 213,043 POUNDS 980,000  
-- CATEGORY 64 (TERRY) 630,435 POUNDS 2,900,000  
-- CATEGORY 64 (RUGS) 434,783 POUNDS 2,000,000

-- 5. WITHIN THE AGGREGATE LIMIT, EXPORT LIMITS IN GROUPS I AND II MAY BE EXCEEDED BY NOT MORE THAN 15 PERCENT AND GROUP III MAY BE EXCEEDED BY 7 PERCENT. WITHIN THE APPLICABLE GROUP LIMITS, SPECIFIC LIMITS MAY BE EXCEEDED BY 10 PERCENT IN GROUP II AND BY 7 PERCENT IN GROUP III.

-- 6. WITHIN THE GROUP LIMITS, EXPORTS IN INDIVIDUAL CATEGORIES WITHOUT SPECIFIC LIMITS SHALL BE SUBJECT TO CATEGORY CONSULTATION LEVELS. FOR CATEGORIES NOT GIVEN SPECIFIC CEILINGS, THE ANNUAL CONSULTATION LEVELS SHALL BE 1,000,000 SQUARE YARDS EQUIVALENT FOR EACH NON-APPAREL CATEGORY AND 700,000 SQUARE YARDS EQUIVALENT FOR EACH APPAREL CATEGORY.

-- IN THE EVENT THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL WISHES TO EXPORT TO THE UNITED STATES OF AMERICA TEXTILE PRODUCTS IN EXCESS OF THE LIMITED OFFICIAL USE  
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APPLICABLE CONSULTATION LEVELS, THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL SHALL REQUEST THE HIGHER LEVELS AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA SHALL CONSIDER THE REQUEST SYMPATHETICALLY AND SHALL RESPOND PROMPTLY. IF, BECAUSE OF PROBLEMS OF MARKET DISRUPTION AS DEFINED IN ANNEX A OF THE ARRANGEMENT IN THE UNITED STATES OF AMERICA IN A CATEGORY SUBJECT TO SUCH REQUEST, THE UNITED STATES OF AMERICA IS UNABLE TO COMPLY FULLY, THE UNITED STATES OF AMERICA WILL SO INFORM THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL AND WILL SUPPLY DATA WHICH FORM THE BASIS OF THE POSITION TAKEN BY THE UNITED STATES OF AMERICA. IF REQUESTED BY THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL, THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL CONSULT PROMPTLY. UNTIL A MUTUALLY SATISFACTORY CHANGE IN THE CONSULTATION LEVEL OF THE CATEGORY IN QUESTION IS ESTABLISHED, SHIPMENTS SHALL NOT EXCEED THE EXISTING CONSULTATION LEVEL.

-- 7. THE AGGREGATE, GROUP AND SPECIFIC LIMITS SHALL

BE INCREASED IN THE SECOND AND THIRD AGREEMENT YEARS  
BY SEVEN PERCENT ANNUALLY.

-- 8.(A) IN ANY AGREEMENT YEAR, EXPORTS MAY EXCEED  
BY A MAXIMUM OF 11 PERCENT THE AGGREGATE LIMIT AND ANY  
GROUP OR SPECIFIC LIMIT BY ALLOCATING TO THE LIMIT  
FOR THAT YEAR AN UNUSED PORTION OF THE APPLICABLE  
LIMIT FOR THE PREVIOUS AGREEMENT YEAR (CARRYOVER) OR  
A PORTION OF THE APPLICABLE LIMIT FOR THE SUCCEEDING  
AGREEMENT YEAR (CARRY FORWARD).

-- (I) CARRYOVER MAY BE UTILIZED AS AVAILABLE UP  
TO 11 PERCENT OF THE RECEIVING YEAR'S APPLICABLE  
LIMITS;

-- (II) CARRY FORWARD MAY BE UTILIZED UP TO 6  
PERCENT OF THE RECEIVING YEAR'S APPLICABLE LIMITS  
AND CHARGED AGAINST THE NEXT YEAR'S APPLICABLE LIMITS;

-- (III) THE COMBINATION OF CARRYOVER AND CARRY  
FORWARD MAY NOT EXCEED 11 PERCENT OF THE RECEIVING  
YEAR'S APPLICABLE LIMITS IN ANY AGREEMENT YEAR.

-- (B) FOR PURPOSES OF THIS AGREEMENT A SHORTFALL  
OCCURS WHEN EXPORTS FROM BRAZIL TO THE UNITED STATES  
OF AMERICA DURING AN AGREEMENT YEAR ARE BELOW THE  
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AGGREGATE LIMIT. CARRYOVER IN SPECIFIC AND GROUP  
LIMITS MAY BE USED ONLY TO THE EXTENT OF SHORTFALL  
IN EACH LIMIT.

--- (C) CARRYOVER AND CARRY FORWARD SHALL NOT BE  
USED TO EXCEED ANY CATEGORY CONSULTATION LEVEL EXCEPT  
IN ACCORDANCE WITH THE CONSULTATION PROCEDURES.

-- (D) THE LIMITS REFERRED TO IN SUBPARAGRAPH  
(A) AND (B) OF THIS PARAGRAPH ARE WITHOUT ANY ADJUST-  
MENTS HEREUNDER, EXCEPT THAT CARRYOVER AND CARRY  
FORWARD SHALL BE IN ADDITION TO THE ADJUSTMENTS  
PERMITTED BY PARAGRAPHS 5 AND 7 TO THE APPLICABLE  
LIMITS DURING EACH AGREEMENT YEAR.

-- 9. IN IMPLEMENTING THIS AGREEMENT, THE SYSTEM  
OF CATEGORIES AND THE RATES OF CONVERSION INTO  
SQUARE YARDS EQUIVALENT LISTED IN THE ANNEX A HERETO  
SHALL APPLY. IN ANY SITUATION WHERE THE DETERMINATION  
OF AN ARTICLE TO BE A COTTON TEXTILE WOULD BE  
AFFECTED BY WHETHER THE CHIEF WEIGHT OR CHIEF VALUE  
CRITERION PROVIDED FOR IN ARTICLE 12 OF THE ARRANGEMENT  
APPLIES, THE CHIEF VALUE CRITERION USED BY THE  
GOVERNMENT OF THE UNITED STATES OF AMERICA SHALL  
APPLY.

-- 10. THE GOVERNMENT OF THE FEDERATIVE REPUBLIC  
OF BRAZIL SHALL USE ITS BEST EFFORTS TO SPACE EXPORTS  
FROM BRAZIL TO THE UNITED STATES WITHIN EACH CATEGORY  
EVENLY THROUGHOUT THE AGREEMENT YEAR, TAKING INTO  
CONSIDERATION NORMAL SEASONAL FACTORS.

-- 11. THE GOVERNMENT OF THE UNITED STATES OF

AMERICA SHALL PROMPTLY SUPPLY THE GOVERNMENT OF THE  
FEDERATIVE REPUBLIC OF BRAZIL WITH DATA ON MONTHLY  
IMPORTS OF COTTON TEXTILES FROM BRAZIL; AND THE  
GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL  
SHALL PROMPTLY SUPPLY THE GOVERNMENT OF THE UNITED  
STATES OF AMERICA WITH DATA ON MONTHLY EXPORTS OF  
COTTON TEXTILES TO THE UNITED STATES. EACH GOVERNMENT  
AGREES TO SUPPLY PROMPTLY ANY OTHER PERTINENT AND  
READILY AVAILABLE STATISTICAL DATA REQUESTED BY THE  
OTHER GOVERNMENT.

-- 12. THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF  
BRAZIL AND THE GOVERNMENT OF THE UNITED STATES OF  
AMERICA AGREE TO CONSULT ON ANY QUESTION ARISING  
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IN THE IMPLEMENTATION OF THIS AGREEMENT.

-- 13. MUTUALLY SATISFACTORY ADMINISTRATIVE  
ARRANGEMENTS OR ADJUSTMENTS MAY BE MADE TO RESOLVE  
MINOR PROBLEMS ARISING IN THE IMPLEMENTATION OF THIS  
AGREEMENT, INCLUDING DIFFERENCES IN POINTS OF  
PROCEDURE OR OPERATION.

-- 14. IF, HAVING REGARDS TO THE ARRANGEMENT, THE  
GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL  
CONSIDERS THAT, AS A RESULT OF LIMITATIONS SPECIFIED  
IN THIS AGREEMENT, BRAZIL IS BEING PLACED IN AN  
INEQUITABLE POSITION VIS-A-VIS THIRD COUNTRY, THE  
GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL MAY  
REQUEST CONSULTATION WITH THE GOVERNMENT OF THE UNITED  
STATES OF AMERICA WITH A VIEW TO TAKING APPROPRIATE  
REMEDIAL ACTION SUCH AS REASONABLE MODIFICATION OF  
THIS AGREEMENT.

-- 15. FOR THE DURATION OF THIS AGREEMENT, THE  
GOVERNMENT OF THE UNITED STATES OF AMERICA SHALL NOT  
INVOKE THE PROCEDURES OF ARTICLE 3 OF THE ARRANGEMENT  
TO REQUEST RESTRAINT ON THE EXPORT OF COTTON TEXTILES  
FROM BRAZIL TO THE UNITED STATES. THE APPLICABILITY  
OF THE ARRANGEMENT TO THIS TRADE SHALL OTHERWISE BE  
UNAFFECTED BY THIS AGREEMENT.

-- 16. THE GOVERNMENT OF THE UNITED STATES MAY ASSIST  
THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL  
IN IMPLEMENTING THE LIMITATION PROVISIONS OF THIS  
AGREEMENT BY CONTROLLING IMPORTS OF COTTON TEXTILES  
COVERED BY THE AGREEMENT.

-- 17. THE TWO GOVERNMENTS AGREE THAT MAN-MADE FIBER  
TEXTILE TRADE BETWEEN THE UNITED STATES AND BRAZIL IS  
COVERED BY THE FOLLOWING PROVISIONS:

-- (A)(1) SHOULD U.S. IMPORTS FROM BRAZIL ON A 12  
MONTH BASIS IN CATEGORIES 200 THROUGH 243 AS SET FORTH  
IN ANNEX A EXCEED BY TEN PERCENT THEIR HIGHEST LEVEL IN  
ANY OF THE THREE CALENDAR YEARS PRIOR TO THIS  
AGREEMENT, EITHER GOVERNMENT MAY REQUEST CONSULTATIONS

REGARDING THIS TRADE, WITH A VIEW TO REACHING A  
MUTUALLY SATISFACTORY ARRANGEMENT ON THE BASIS OF  
THE APPROPRIATE PROVISIONS OF THE ARRANGEMENT REGARDING  
INTERNATIONAL TRADE IN TEXTILES (MFA), GIVING DUE  
CONSIDERATION TO ARTICLE 6.

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-- (2) EACH GOVERNMENT AGREES TO RESPOND PROMPTLY TO  
A REQUEST FOR CONSULTATIONS AND TO PARTICIPATE  
IN SUCH CONSULTATIONS WITHIN 60 DAYS OF THE REQUEST.

-- (B)(1) IF THE GOVERNMENT OF THE UNITED STATES OF  
AMERICA CONSIDERS THAT IMPORTS FROM BRAZIL IN ANY MAN-  
MADE FIBER CATEGORY IS INCREASING SO AS TO CAUSE A  
RISK IN THE UNITED STATES OF MARKET DISRUPTION, AS  
DEFINED IN ANNEX A OF THE ARRANGEMENT, THE GOVERNMENT  
OF THE UNITED STATES OF AMERICA MAY REQUEST CON-  
SULTATIONS WITH THE GOVERNMENT OF THE FEDERATIVE  
REPUBLIC OF BRAZIL.

-- (2) WHEN THE GOVERNMENT OF THE UNITED STATES  
OF AMERICA REQUESTS SUCH CONSULTATIONS, THE GOVERNMENT  
OF THE FEDERATIVE REPUBLIC OF BRAZIL SHALL MEET  
PROMPTLY WITH THE GOVERNMENT OF THE UNITED STATES OF  
AMERICA TO WORK OUT A MUTUALLY SATISFACTORY SOLUTION.  
THE CONSULTATIONS SHALL BE CONCLUDED WITHIN NINETY  
DAYS FROM THE DATE OF THE REQUEST FOR SUCH CONSULTATIONS  
UNLESS THE TWO GOVERNMENTS AGREE OTHERWISE.

-- (3) DURING THE COURSE OF THE CONSULTATIONS  
THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL  
WILL LIMIT ITS EXPORTS TO THE UNITED STATES IN THE  
CATEGORY OR CATEGORIES AFFECTED TO 25 PERCENT OF  
THEIR LEVEL FOR THE PREVIOUS 12 MONTHS.

-- (4) CONSULTATIONS UNDER THIS PARAGRAPH WILL  
NOT BE REQUESTED FOR ANY CATEGORY WHEN IMPORTS FROM  
BRAZIL IN SUCH CATEGORY ARE AT ANNUAL LEVELS LESS  
THAN 1,000,000 SQUARE YARDS EQUIVALENT FOR EACH  
CATEGORY OTHER THAN APPAREL AND 700,000 SQUARE YARDS  
EQUIVALENT FOR EACH APPAREL CATEGORY.

-- 18. EITHER GOVERNMENT MAY TERMINATE THIS  
AGREEMENT EFFECTIVE AT THE END OF ANY AGREEMENT YEAR  
BY WRITTEN NOTICE TO THE OTHER GOVERNMENT TO BE GIVEN  
AT LEAST 90 DAYS PRIOR TO THE END OF SUCH AGREEMENT  
YEAR. EITHER GOVERNMENT MAY AT ANY TIME PROPOSE  
REVISIONS IN THE TERMS OF THIS AGREEMENT.

-- IF THE FOREGOING PROPOSAL IS ACCEPTABLE TO THE  
GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL, THIS  
NOTE AND YOUR EXCELLENCY'S NOTE OF CONFIRMATION ON  
BEHALF OF THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF  
BRAZIL SHALL CONSTITUTE AN AGREEMENT BETWEEN

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----- THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF  
BRAZIL AND THE GOVERNMENT OF THE UNITED STATES OF  
AMERICA.

-- ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY  
HIGHEST CONSIDERATION."

4. ANNEX A LISTING CATEGORIES AND RATES OF CONVERSION,  
WHICH SHOULD BE INCLUDED IN DRAFT SUBMITTED TO GOB,  
BEING FORWARDED SEPTEL. KISSINGER

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## Message Attributes

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**Copy:** SINGLE  
**Draft Date:** 15 APR 1976  
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**Disposition Approved on Date:**  
**Disposition Authority:** saccheem  
**Disposition Case Number:** n/a  
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